

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Rahmad Norman,)	
)	Civil Action No. 8:12-2862-TMC
Plaintiff,)	
)	
vs.)	ORDER
)	
Gerald Brooks, Jermiah Atkins,)	
Kevin Follow and Kenya Griffin,)	
)	
Defendants.)	
_____)	

Plaintiff, proceeding pro se and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that the action be dismissed for lack of prosecution. (ECF No. 44). Plaintiff was advised of his right to file objections to the Report. (ECF No. 44 at 4). However, Plaintiff filed no objections to the Report, and the time to do so has now run.¹

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to

¹ On September 3, 2013, the defendants filed a motion for summary judgment. (ECF No. 39). Plaintiff was advised of his right to respond to defendants' motion on September 6, 2013 (ECF No. 40), and again by re-mailing on September 18, 2013. (ECF No. 43). Additionally, the plaintiff was specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. The plaintiff still failed to respond.

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the court adopts the Report (ECF No. 44) and incorporates it herein. It is therefore **ORDERED** that the action is **DISMISSED** with prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982). *See Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989). It is further **ORDERED** that the defendants’ motion for summary judgment (ECF No. 39) is **TERMINATED** as moot.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Court Judge

November 19, 2013
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.